**HON. IOANA PETROU**

**HON. CHAS. SMILEY**

**CIVIL TRIAL PRACTICE**

**COURSE OUTLINE AND SYLLABUS**

**SPRING 2014**

Course Control no. 49700

Tu 6:25-9:05, Room 140

**Course materials:**

You will need (1) Modern Trial Advocacy, 4th Edition, Steven Lubet (NITA) and (3) *Bio-Solutions, Inc. v. Steven O’Malley* (NITA).

This course teaches the fundamentals of trial advocacy using a civil law case file.

We will cover trial components including witness examinations, use of exhibits, objections, opening statement and closing argument. This is a learn-by-doing class. Although each class will begin with a short lecture, students will be divided into groups to practice specific trial techniques at each class. These exercises (as well as the final trial) will be videotaped for your personal review as a learning tool.

Please complete reading assignments before class. Students are also expected to be familiar with the fact pattern that will be used for each class exercise. Student should become familiar enough with the fact pattern to serve as a witness for other students. Please note that there will be additional reading/prep assignments given beyond those listed below.

You will need (1) Modern Trial Advocacy, 4th Edition, Steven Lubet (NITA) and (3) *Bio-Solutions, Inc. v. Steven O’Malley* (NITA).

**Attendance & Schedule**

Class starts promptly at 6:25 pm. We will have a special make-up class scheduled for Friday, February 7, 2014, from 1:00 pm to 3:40 pm, which is mandatory.

Final trials will take place on Saturday and Sunday, **April 5-6, 2014**. There will be four sessions (Sat am; Sat pm; Sun am; and Sun pm). You will try the case *Bio-Solutions, Inc. v. Steven O’Malley* (the case file) working with a partner. Please feel free to select your own partner. Trial partner selections will need to be finalized by **March 4, 2014.** Each student also must supply three people to serve as jurors.

**Week 1: January 7, 2014**

Subject Matter: Course introduction; Introduction to the trial process

Reading Assignment: Lubet, Modern Trial Advocacy, pp. 1-11 (Trial Basics), 13-36 (Case analysis and Storytelling).

Practice: Direct and Cross Examination Drills.

**Week 2: January 14, 2014**

Subject Matter: Direct and Cross-Examination

Readings: Lubet, Modern Trial Advocacy, 37-65 (Direct examination)

Practice: Direct and Cross Examination Drills.

**Week 3: January 21, 2014**

Subject Matter: Direct and Cross-Examination, Continued

Readings: Lubet, Modern Trial Advocacy, pp. 73-112

Practice: Direct and Cross Examination Drills.

**Week 4: January 28, 2014**

Subject Matter: Making /meeting objections, foundations, exhibits and demonstrative evidence

Reading Assignment: Lubet, Modern Trial Advocacy, pp.223-284; Recommended additional reading 189-221 (objections).

Practice: Evidentiary foundation drills

**Week 5a: February 4, 2014**

Subject Matter: Exhibits

Readings: Lubet, Modern Trial Advocacy, pp. 285-310 (electronic visuals)

Practice: Additional Exhibit and Evidentiary Foundation problems will be distributed.

**Week 5b: February 7, 2014 (MAKE-UP SESSION)**

**SPECIAL DATE AND TIME**

Time: 1:00 pm to 3:40 pm

Room 140

Subject Matter: Civility and Ethics; Preparing for Trial; The Trial Notebook

Assigned Reading: None

Roleplays: Additional Exhibit and Evidentiary Foundation problems will be distributed.

**Week 6: February 11, 2014**

Subject Matter: Impeachment & Rehabilitation

Readings: Lubet, Modern Trial Advocacy, pp. 113-150 (impeachment)

Practice: Impeachment

**Week 7: February 18, 2014**

Subject Matter: Impeachment & Rehabilitation

Readings: Lubet, Modern Trial Advocacy, pp. 151-156 (re-direct and rehabilitation)

Practice: Impeachment problems

**Week 8: February 25, 2014**

Subject Matter: Expert Witnesses

Readings: Lubet, Modern Trial Advocacy, pp. 113-150 (expert witnesses)

Practice: Examination of Expert witness

**FINAL TRIAL TEAM ASSIGNMENTS WILL BE CONFIRMED MARCH 4**

**Week 9**: **March 4, 2014**

Subject Matter: Pretrial or *In Limine* motions and Opening Statements

Readings: Lubet, Modern Trial Advocacy, pp. 311-351

Practice: Opening Statements

**Week 10: March 11, 2014**

Subject Matter: Opening Statements

Readings: Lubet, Modern Trial Advocacy, pp. 311-351 (con’t)

Practice: Opening Statements

**Week 11: March 18, 2014**

Subject Matter: Closing Arguments

Readings: Mauet, pp. 387-445

Practice: Closing argument in your final trial.

PRETRIAL CONFERENCES WILL SCHEDULED FOR ALL FINAL TRIALS: TBA

**Week 12: March 27 – Spring Break. No class this week.**

**Week 13a: April 1**

PRETRIAL MOTIONS; CLOSING ARGUMENT PRACTICE; LAST PREPARATION FOR FINAL TRIAL

**Week 13b: April 5 - 6**

FINAL TRIALS

Details: To be announced

**Week 14: April 8, 2014.**

Subject Matter: Final Class: Recapitulation/Review